

Exhibit B

CAUSE NO. C-4614-19-H

MELANIE S. ALVAREZ

§ IN THE DISTRICT COURT

Plaintiff

§

VS.

§ JUDICIAL DISTRICT

JOSE ANGEL QUINTERO GONZALEZ
AND YADIRA GONZALEZ RANGEL
DBA LEOS AUTOTRSPORTES DE
CARGA

§

Defendants

§

§ HIDALGO COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION**TO THE HONORABLE COURT:**

COMES NOW, Melanie S. Alvarez, "Plaintiff," and file this petition against Jose Angel Quintero Gonzalez and Yadira Gonzalez Rangel dba Leos Autotransportes de Carga "Defendants," and alleges as follows:

I.**DISCOVERY CONTROL PLAN**

Plaintiff requests that discovery be conducted under Tex. R. Civ. P. 190.4 (level 3).

II.**PARTIES**

Plaintiff Melanie S. Alvarez is an individual who resides in Hidalgo County, Texas.

Yadira Gonzalez Rangel dba Leos Autotransportes de Carga ("Leos Autotransportes") Defendant herein, may be served with citation by serving Bruce Bugg, Jr., Chairman, Texas Transportation Commission, 125 E. 11th Street, Austin, Texas 78701, for forwarding to Yadira Gonzalez Rangel dba Leos Autotransportes de Carga's office at Col Candido Aguilar entre 4 de enero y Laredo No. 6, Matamoros, Mexico 87399. This Defendant may also be served by mailing certified mail return receipt requested to 1443 E. Jefferson St., Ste 235,

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Brownsville, Texas 78520.

Jose Angel Quintero Gonzalez "Gonzalez" Defendant herein, may be served with citation and petition by serving Bruce Bugg, Jr., Chairman, Texas Transportation Commission, 125 E. 11th Street, Austin, Texas 78701 for forwarding to Jose Angel Quintero Gonzalez at Col Candido Aguilar entre 4 de enero y Laredo No. 6, Matamoros, Mexico 87399. This Defendant may also be served by mailing certified mail return receipt requested to 1443 E. Jefferson St., Ste 235, Brownsville, Texas 78520.

III.

JURISDICTION & VENUE

The amount in controversy exceeds the minimal jurisdictional limits of this Court, and the exercise of this Court's jurisdiction over the Defendants is proper.

Venue is proper in Hidalgo County, pursuant to §15.002(a)(1) of the Texas Civil Practice and Remedies Code in that all or a substantial part of the events or omissions giving rise to the claim occurred in Hidalgo County.

IV.

FACTS

On July 24, 2019, Defendants JOSE ANGEL QUINTERO GONZALEZ AND YADIRA GONZALEZ RANGEL DBA LEOS AUTOTRSPORTES DE CARGA (hereinafter collectively referred to as "Defendants") owned, operated, controlled, and maintained responsibility for a 2007 white International Truck with attached flatbed trailer (hereinafter, "the vehicle" or "the vehicle at issue") motor vehicle.

At all relevant times on July 24, 2019, and herein, Driver Defendant was acting in the course and scope of his employment with YADIRA GONZALEZ RANGEL and/or LEO AUTOTRSPORTES.

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On July 24, 2019, Driver Defendant, while operating YADIRA GONZALEZ RANGEL and/or LEO AUTOTRANSPORTES' vehicle at issue, was exiting the premises of Discount Auto and onto the frontage road of US Highway 83, Alamo, Texas and drove onto the frontage road across three lanes and into Plaintiff's lane of traffic as she exited the ramp of Highway 83. Driver Defendant failed to stay in his lane and as a result, the Driver Defendant struck the Plaintiff's vehicle causing it to roll-over, and thus causing serious injury and damages to Plaintiff and her vehicle.

Defendants' negligence, negligence per se, and gross negligence proximately caused the crash and the injuries of Melanie Alvarez as well as Plaintiff's injuries and damages as set forth herein.

V.

CAUSES OF ACTION
THE NEGLIGENCE AGAINST DEFENDANT DRIVER
JOSE ANGEL QUINTERO GONZALEZ

Plaintiff alleges and incorporates by reference the preceding paragraphs for all purposes the same as if set forth herein verbatim.

The collision and occurrence made the basis of this lawsuit, referred to above, and the resulting injuries and damages, were proximately caused by the negligent conduct of Driver Defendant, including but not limited to the following:

- a. Defendant driver failed to keep a proper lookout;
- b. Defendant driver drove the vehicle at a greater rate of speed than the speed at which a reasonably prudent person would have driven under the same or similar circumstances in violation of TEX. TRANS. CODE ANN. § 545.351;
- c. Driver Defendant did not safely change and/or move from his lane in violation of TEX. TRANS. CODE ANN § 545.060.
- d. Defendant driver failed to timely apply the brakes on his vehicle immediately prior to the collision in question.

The above numerated acts and omissions, singularly or in combination with others,

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individually and collectively constituted negligence and said negligence was the proximate cause of the incident in question, and all of Plaintiff's damages resulting therefrom.

NEGLIGENCE PER SE
(AGAINST ALL DEFENDANTS)

Plaintiff alleges and incorporates by reference the preceding paragraphs for all purposes the same as if set forth herein verbatim.

The occurrence made the basis of this lawsuit, referred to above, and the resulting injuries and damages, were proximately caused by the *per se* negligent conduct of all Defendants, including but not limited to the following:

- a. Driver Defendant drove YADIRA GONZALEZ RANGEL and/or LEOS AUTOTRSPORTES' vehicle at a greater rate of speed than the speed at which a reasonably prudent person would have driven under the same or similar circumstances in violation of TEX. TRANS. CODE ANN. § 545.351;
- b. Driver Defendant did not safely move from his lane in violation of TEX. TRANS. CODE ANN § 545.060.

The above enumerated acts and omissions, singularly or in combination with others, individually and collectively constituted negligence *per se* and said negligence *per se* was the proximate cause of the incident in question, and all of Plaintiff's damages resulting therefrom.

AGENCY AND RESPONDEAT SUPERIOR

Plaintiff alleges and incorporates by reference the preceding paragraphs for all purposes the same as if set forth herein verbatim.

Defendants are vicariously liable for the torts an employee committed in the course and scope of his employment. As Driver Defendant was operating the motor vehicle in the course and scope of his employment with YADIRA GONZALEZ RANGEL and/or LEOS AUTOTRSPORTES' at the time of the incident, YADIRA GONZALEZ RANGEL and/or LEOS AUTOTRSPORTES' are liable for Driver Defendant's negligence and negligence *per se*.

C-4614-19-H**VI.****DAMAGES**

In accordance with Texas Law, suit is brought against Defendants for fair, reasonable, and adequate compensation for all the damages sustained by Plaintiff, including but not limited to the following:

Plaintiff is entitled to recover damages for his severe personal injuries, including but not limited to the following:

- a) Reasonable past and future medical care and expenses;
- b) Past and future physical pain and suffering;
- c) Past and future physical impairment;
- d) Past and future disfigurement;
- e) Past and future mental anguish; and
- f) Past and future loss of earning capacity.

The damages sought herein, exclusive of interest and costs, are within the jurisdictional limits of this court.

VII.**REQUEST FOR JURY TRIAL**

Contemporaneous with the filing herewith, Plaintiff has paid a jury fee and make demand that the case be brought before the jury for trial on all matters.

VIII.**STATEMENT PURSUANT TO T.R.C.P. 47**

Pursuant to T.R.C.P. 47, Plaintiff is seeking monetary relief over \$200,000 but not more than 1,000,000.

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IX.

REQUEST FOR DISCLOSURE

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, within fifty days after service of this Request, Plaintiff request that Defendants disclose the information or materials described in Rule 194.2 (a)-(l).

PRAYER AND REQUEST FOR RELIEF

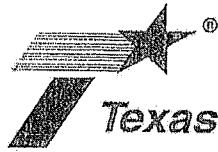
WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein, that upon final trial and hearing hereof, Plaintiff recover against Defendants damages in accordance with the evidence, that Plaintiff recover costs of Court herein expended, that Plaintiff recover interest to which they are entitled justly under the law, and for such other and further relief, both general and special, both in law and in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

ESCOBEDO & CARDENAS, LLP
1602 Dulcinea
Edinburg, Texas
Telephone: (956) 630-2222
Telecopier: (956) 630-2223
luis@escobedocardenas.com

BY: /s/ Luis Cardenas
Luis M. Cardenas
State Bar No. 24001837
Joe Escobedo, Jr.
State Bar No. 06665850

ATTORNEYS FOR PLAINTIFF



125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8630 | WWW.TXDOT.GOV

November 4, 2019

Jose Angel Quintero Gonzalez
Col Candido Aguilar
entre 4 de enero y Laredo No. 6,
Matamoros, Mexico 87399

COPY

Re: GCD No. 44816
Cause No. C-4614-19-H
Hidalgo County
Plaintiff: Melanie S. Alvarez
Defendant: Jose Angel Quintero Gonzalez

Dear Sir/Madam:

In compliance with the Texas long-arm statute, Texas Civil Practice and Remedies Code, Chapter 17, Subchapter D, the Chair of the Texas Transportation Commission was duly served with the enclosed Citation and Plaintiff's Original Petition on November 1, 2019.

This agency's only role in the process is to serve as an out-of-state defendant's agent for service of process. We are unable to answer any questions or respond to correspondence regarding this lawsuit. All questions or concerns should be addressed to the attorney noted below.

General Counsel Division

Enclosures

cc: Luis M Cardenas
Attorney at Law
1602 Dulcinea
Edinburg, TX 78539
Telephone (956) 630 2222

U.S. Registered Mail No. RA 662 980 383 US
Return Receipt Requested

TEXAS TRANSPORTATION COMMISSION
CHAIRMAN'S CERTIFICATE

NO. C-4614-19-H

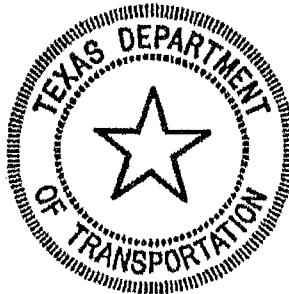
MELANIE S. ALVAREZ § IN THE DISTRICT COURT
VS. § 389TH JUDICIAL
JOSE ANGEL QUINTERO GONZALEZ AND § HIDALGO COUNTY, TEXAS
YADIRA GONZALEZ RANGEL DBA LEOS
AUTOTRSPORTES DE CARGA §

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW J. Bruce Bugg, Jr., Chairman of the Texas Transportation Commission, and Certifies to the court as follows:

That on November 1, 2019, I was duly served with Citation and copy of Plaintiff's Original Petition in the above styled and numbered cause, which I immediately caused to be forwarded by U.S. Registered Mail, Registered number RA 662 980 383 US addressed to Jose Angel Quintero Gonzalez, Col Candido Aguilar, entre 4 de enero y Laredo No. 6, Matamoros, Mexico 87399 with postage prepaid, return receipt requested;

In witness whereof, this certificate is issued in Austin, Texas, this 4th day of November, 2019.



Chairman, Texas Transportation Commission



125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8630 | WWW.TXDOT.GOV

November 4, 2019

Yadira Gonzalez Rangel dba Leos Autotransportes de Carga
Col Candido Aguilar entre 4 de enero y Laredo No. 6
Matamoros, Mexico 87399

COPY

Re: GCD No. 44819
Cause No. C-4614-19-H
Hidalgo County
Plaintiff: Melanie S. Alvarez
Defendant: Yadira Gonzalez Rangel dba Leos Autotransportes de Carga

Dear Sir/Madam:

In compliance with the Texas long-arm statute, Texas Civil Practice and Remedies Code, Chapter 17, Subchapter D, the Chair of the Texas Transportation Commission was duly served with the enclosed Citation and Plaintiff's Original Petition on November 1, 2019.

This agency's only role in the process is to serve as an out-of-state defendant's agent for service of process. We are unable to answer any questions or respond to correspondence regarding this lawsuit. All questions or concerns should be addressed to the attorney noted below.

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cc: Luis M Cardenas
Attorney at Law
1602 Dulcinea
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Telephone (956) 630 2222

U.S. Registered Mail No. RA 662 980 397 US
Return Receipt Requested

TEXAS TRANSPORTATION COMMISSION
CHAIRMAN'S CERTIFICATE

NO. C-4614-19-H

MELANIE S. ALVAREZ

§ IN THE DISTRICT COURT

VS.

§ 389TH JUDICIAL

JOSE ANGEL QUINTERO GONZALEZ AND
YADIRA GONZALEZ RANGEL DBA LEOS
AUTOTRANSPORTES DE CARGA

§ HIDALGO COUNTY, TEXAS

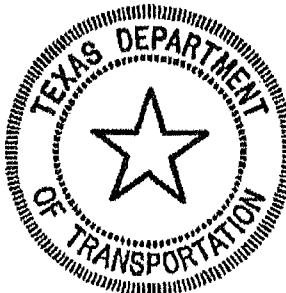
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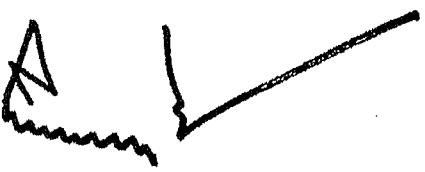
TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW J. Bruce Bugg, Jr., Chairman of the Texas Transportation Commission, and Certifies to the court as follows:

That on November 1, 2019, I was duly served with Citation and copy of Plaintiff's Original Petition in the above styled and numbered cause, which I immediately caused to be forwarded by U.S. Registered Mail, Registered number RA 662 980 397 US addressed to Yadira Gonzalez Rangel dba Leos Autotransportes de Carga, Col Candido Aguilar entre 4 de enero y Laredo No. 6, Matamoros, Mexico 87399 with postage prepaid, return receipt requested;

In witness whereof, this certificate is issued in Austin, Texas, this 19th day of November, 2019.




Chairman, Texas Transportation Commission

CAUSE NO. C-4614-19-H

MELANIE S. ALVAREZ

IN THE DISTRICT COURT

Plaintiff

VS.

389TH JUDICIAL DISTRICT

JOSE ANGEL QUINTERO GONZALEZ
AND YADIRA GONZALEZ RANGEL
DBA LEOS AUTOTRANSPORTES DE
CARGA*Defendants*

HIDALGO COUNTY, TEXAS

DEFENDANTS' ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, JOSE ANGEL QUINTERO GONZALEZ AND YADIRA GONZALEZ RANGEL DBA LEOS AUTOTRANSPORTES DE CARGA (hereinafter collectively referred to as "Defendants"), Defendants in the above-entitled and numbered cause, and files this, their Original Answer to Plaintiffs' Original Petition and would respectfully show unto this honorable Court as follows:

General Denial

1. Defendants herein, pursuant to the provisions of Rule 92 of the TEXAS RULES OF CIVIL PROCEDURE, denies each and every, singular and all of the allegations contained in Plaintiff's Original Petition, says the allegations contained therein are not true, either in whole or in part, and demands strict proof thereof. Defendants further reserve the right to amend their answer at a future date in accordance with the TEXAS RULES OF CIVIL PROCEDURE.

Affirmative Defenses**Preexisting Injuries**

2. Pleading further and subject to the foregoing, without waiving same, in the event competent evidence is brought forward that Plaintiff suffered from a pre-existing condition, not caused by any action or inaction on the part of these Defendants, Defendants would show that Plaintiff is entitled only to any exacerbation of that preexisting condition, but not for the condition itself.

Unavoidable Accident

3. In the alternative, and subject to the foregoing without waiving same, Defendants allege the accident made the basis of this suit was an unavoidable accident as said term is recognized by law.

Failure to Mitigate Damages

4. In the alternative, and subject to the foregoing without waiving same, Defendants would show that Plaintiff failed to mitigate their injuries and/or damages in the above entitled cause of action.

Proof of Certain Losses

5. Pleading further and subject to the foregoing, without waiving same, Defendants herein would show that according to Section 18.091 of the TEXAS CIVIL PRACTICE & REMEDIES CODE, Plaintiff's alleged earnings, loss of earning capacity, loss of contributions of a pecuniary value, and/or loss of inheritance must be presented in the form of a net loss after reduction for income tax payments or unpaid tax liability pursuant to any federal and/or state income tax law.

Evidence Relating to Amount of Economic Damages

6. Pleading further and subject to the foregoing, without waiving same, Defendants herein would show that according to Section 41.0105 of the TEXAS CIVIL PRACTICE & REMEDIES CODE

recovery of medical and health related expenses should be limited to the amount actually paid or incurred.

Acts of Third Parties

7. Pleading further and subject to the foregoing, without waiving same, Defendants herein would show that the incident complained of in Plaintiff's Original Petition was caused by the negligence, carelessness, and/or fault on the part of third parties or instrumentalities over which these Defendants had no control. Said negligence, carelessness, and/or comparative fault on the part of such third party was either the sole cause, or in the alternative, a proximate cause, and/or a producing cause of the incident and injuries made the basis of this litigation.

Comparative Negligence

8. In the alternative, and subject to the foregoing without waiving same, Defendants allege the comparative negligence of Plaintiff, in failing to use ordinary care, was a proximate cause or the sole proximate cause of their damages, if any. Defendants request that, at trial of this case, the jury, pursuant to Texas Civil Practices & Remedies Code Chapter 33 et. seq., be asked to assess the comparative negligence, if any, of all parties to this lawsuit, all settling Defendants, all Responsible Third Parties.

Jury Demand

9. Defendants previously requested a jury and tendered the appropriate jury fee to the Court.

REQUESTS FOR DISCLOSURE

10. Under Texas Rule of Civil Procedure 194, Defendants request that Plaintiff disclose within thirty (30) days of the service of this request, the information or material described in Rule 194.2.

Prayer

WHEREFORE, PREMISES CONSIDERED, Defendants JOSE ANGEL QUINTERO

GONZALEZ AND YADIRA GONZALEZ RANGEL DBA LEOS AUTOTRANSPORTES DE CARGA prays Plaintiff take nothing by reason of this suit, that Defendant herein be released, discharged and acquitted of the charges, that they go hence with their costs, without delay and for such other and further relief, both general and special, at law and in equity, to which Defendants may show they are justly entitled.

Respectfully submitted,

DONATO, MINX, BROWN & POOL, P.C.

/s/ Chaz D. Klaes
CHAZ D. KLAES
TBN: 24083312
3200 Southwest Freeway, Suite 2300
Houston, Texas 77027
Phone: (713) 877-1112
Fax: (713) 877-1138
cklaes@donatominxbrown.com

ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that, on the 20th day of December, 2019, a true and correct copy of the above and foregoing has been served by:

certified mail, return receipt requested; overnight delivery; hand delivery; United States first class mail; facsimile transmission; electronic transmission on the following counsel:

ESCOBEDO & CARDENAS, LLP

1602 Dulcinea

Edinburg, Texas

Telephone: (956) 630-2222

Telecopier: (956) 630-2223

luis@escobedocardenas.com

Luis M. Cardenas

State Bar No. 24001837

Joe Escobedo, Jr.

State Bar No. 06665850

ATTORNEYS FOR PLAINTIFF